

NINETEENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING SEPTEMBER 30, 1904.



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NAMES OF BOARD AND OFFICERS.

GEORGE M. HOYT, *President.*

CHARLES F. NIXON, *Secretary.*

HENRY ADAMS.

WILLIAM F. SAWYER.

FRED A. HUBBARD.

SIMON B. HARRIS, *Agent.*

Commonwealth of Massachusetts.

REPORT.

To His Excellency JOHN L. BATES, *Governor*.

SIR :— We have the honor to respectfully submit the following report concerning the condition of pharmacy in the State, and of our official acts and financial transactions, during the past year. We think this year has been one of average prosperity among the pharmacists of our State, and that as a rule the financial returns from the drug business in Massachusetts will compare favorably with other States in the Union. The pharmacists of our State are still working along the lines of co-operation and fraternal organization for the purpose of elevating the standard of our business both professionally and commercially. In many sections of our State success has crowned their efforts, while in some parts of the Commonwealth the results obtained have been discouraging, but as a whole the year has been marked by progress, and we think the general conditions are better than one year ago. Results can only be obtained by organization and persistent work, and the measure of success attained in the past should be an encouragement to greater effort in the future.

EXAMINATIONS.

During the past year our examinations have been conducted on the same plan as the previous year, and the tabulated results of the work will be found in the secretary's report. We think it is our duty to again call the attention of all young men who are thinking of adopting pharmacy as their calling to

the necessity of obtaining a thorough preliminary education before entering a drug store to learn the business. The tendency at the present time in all lines, professional and commercial, is toward a higher standard of education. One State (New York) has already adopted a law which provides as a prerequisite to examination before a board of pharmacy, that the candidate must be a graduate of a college of pharmacy. It is a duty which every pharmacist owes to himself, to the public and the young man to refuse to receive any one wishing to learn the business who is not a graduate of a high school. We would most earnestly recommend that every young man, if possible, become a graduate from a college of pharmacy before presenting himself before this Board for examination. We are living in an age when progress is inscribed on every mile-post in the world's great highway, and he who would win in the race must be an educated man.

The president of our Board had the honor of being appointed a delegate by Your Excellency to represent the Commonwealth of Massachusetts at the conference of American boards of pharmacy, held at Kansas City, September 5 to 10, under the auspices of the American Pharmaceutical Association. Twenty-seven States were represented at this meeting and much good work was accomplished, which we trust in time will bring about a much-needed change, namely, a uniform pharmacy law for all the States in the Union. The conditions are such at the present time that the certificate of one State is not recognized by another except in a very few cases, and a pharmacist must pass a new examination should he wish to locate in a State other than his own. This is an uncalled-for hardship, especially to registered drug clerks. There should be a uniform standard of examinations, and a certificate of registration should be valid in all States of the Union. At the meeting in Kansas City a permanent organization was formed, to be known as the National Association of Boards of Pharmacy, to meet yearly in conjunction with the American Pharmaceutical Association, the purpose of this association being to provide for interstate reciprocity in pharmaceutical licensure, based upon a more uniform standard of pharmaceutical education and legislation.

ENFORCEMENT OF THE PHARMACY LAW.

The statutes provide that as a prerequisite to obtaining a sixth-class license the applicant must obtain from our Board a certificate of fitness, stating that in our opinion he is a fit person to have the same, and that the public good will be promoted by granting such a license; and in connection with the granting of these certificates an unusual amount of work has devolved on our Board this year. In consequence of investigations made by the police authorities in some of the cities and towns of this State, a large amount of evidence was turned over to us, showing beyond a doubt that some druggists, under the guise of a sixth-class license, which gives them the privilege of selling liquor for medicinal, mechanical and chemical purposes only, had been doing a liquor traffic which would place them in the class of liquor dealers rather than pharmacists, and in all such cases we have refused to grant a new certificate. The pharmacists of this State should understand that a sixth-class license does not give them the right to sell all kinds of liquor at all times, in large or small quantities, to any person who may wish to purchase the same, even though they may certify in writing that they wish it for medicinal, mechanical or chemical purposes. A pharmacist has no right to sell to a person he has good reason to believe will use it for a beverage, and when his liquor sales are greater than his drug business he cannot possibly plead as an excuse that he sold only for medicinal purposes. The greatest foe the legitimate, law-abiding pharmacist of to-day has to meet is the man who, under the disguise of a druggist, runs a liquor store. Without any regard for the ethics of our profession he is usually a trade demoralizer, and the honest pharmacist has to meet his unfair competition. He defrauds the State by doing a first-class liquor business under a sixth-class license. A drug store that cannot live without a liquor license has no excuse for being, and should be abolished. In no State of our Union is the pharmacist granted so great a privilege as the druggist of Massachusetts enjoys under the sixth-class license granted him by our laws. The Commonwealth says to him: "It is necessary there should be a place in every community where liquors can

be purchased for medicinal use, and, relying on your character as a man and your standing as a pharmacist, we grant you this privilege to be used for the good of the public." A large majority of the pharmacists of our State are striving to do an honest and legitimate business, and they should insist that the laws regulating the sixth-class license be lived up to.

When the State created the Board of Registration in Pharmacy, it also enacted certain laws for the purpose of regulating the practice of pharmacy, and it is the business of our Board to see that these laws are enforced, and we should be false to our trust if we did not assume the responsibility of seeing that they are obeyed. It is for the best interest of the public and the legitimate pharmacists that the laws should be respected, and the only reply we have to make to those persons who, during the past year, have criticised our official actions and have sought to prevent our doing our duty, is that it is the purpose of this Board to continue as we have done in the past, to enforce the laws under our jurisdiction without fear, prejudice or partiality, and we think in pursuing this course we shall have the sympathy and support of a large proportion of our brother pharmacists in this Commonwealth.

In January of this year a circular letter was sent to every drug store in the State calling attention to violations of the pharmacy law in leaving stores in charge of unregistered men. We recognize that in many of the smaller stores, that are owned and managed in person by the proprietor, who is a registered pharmacist, the amount of business does not admit of hiring a registered clerk at all times of the year; but when the proprietor is away for days and weeks at a time, transacting other business, or on a vacation, such a condition is an unqualified violation of the law and should not be permitted. When such cases have been brought to our attention, we have, through our agent, investigated them and reported the facts to the proper prosecuting officer. Our agent has, in the discharge of his duties, visited all parts of the State, and every complaint that has come to our office has been investigated.

Many requests having been made to our Board to publish, as a part of our annual report, a list of the registered pharmacists engaged in business in this State, we decided to do so

this year, and had a complete list prepared, but the State Board of Publication refused to allow the same to be printed, on the ground that such a list was uncalled-for and an unnecessary expense to the State.

Respectfully submitted,

GEO. M. HOYT, *President.*

C. F. NIXON, *Secretary.*

HENRY ADAMS.

WM. F. SAWYER.

FRED A. HUBBARD.

BOSTON, MASS., Oct. 1, 1904.

It is with sorrow and regret that we part with the services of our colleague, Prof. Charles F. Nixon of Leominster, whose term of office expires October 1 of this year. In this instance, at least, the law which forbids a re-appointment on our Board will work a distinct injury to the cause of true pharmacy in our State, for it will be hardly possible to find a man so eminently fitted to perform the duties which he has so faithfully discharged during the years he has served on our Board. A man of scholarly attainments, a leader in his chosen profession, we have been accustomed to look to him for guidance and counsel. He has given himself generously to the service of the State, serving with earnestness in every duty to which he has been called. During his term of five years he has filled the office of both president and secretary. By reason of his retirement from this Board we part with a true and honored friend and the State loses the services of a faithful officer.

GEO. M. HOYT.

HENRY ADAMS.

FRED A. HUBBARD.

SECRETARY'S REPORT.

EXAMINATION ACCOUNT.

Meetings for examinations have been held on dates and with results as follows :—

1903-1904.	Days.	Examined.	Registered.	Rejected.	1903-1904.	Days.	Examined.	Registered.	Rejected.
October 6, .	1	7	2	5	March 22, .	1	9	2	7
October 13, .	1	9	5	4	March 29, .	1	11	3	8
October 20, .	1	10	1	9	April 5, .	1	10	4	6
October 27, .	1	7	5	2	April 12, .	1	6	—	6
November 10, .	1	10	4	6	April 26, .	1	9	3	6
November 17, .	1	9	3	6	May 3, .	1	8	4	4
November 24, .	1	10	3	7	May 10, .	1	9	1	8
December 1, .	1	10	6	4	May 17, .	1	9	3	6
December 8, .	1	9	3	6	May 24, .	1	11	7	4
December 15, .	1	9	6	3	May 31, .	1	10	3	7
December 29, .	1	8	2	6	June 1, .	1	12	—	12
January 5, .	1	10	3	7	June 7, .	1	12	5	7
January 12, .	1	10	2	8	June 8, .	1	12	4	8
January 19, .	1	9	2	7	June 14, .	1	12	3	9
January 26, .	1	10	5	5	June 15, .	1	12	4	8
February 2, .	1	10	3	7	June 24, .	1	12	2	10
February 9, .	1	7	2	5	June 28, .	1	10	2	8
February 16, .	1	8	5	3	September 20, .	1	9	3	6
February 23, .	1	12	4	8	September 27, .	1	11	5	6
March 1, .	1	11	4	7	Totals, .	41	397	132	265
March 8, .	1	7	2	5					
March 15, .	1	11	2	9					

Of the 132 certificates granted this year : —

22 passed on first examination.	3 passed on eighth examination.
40 " second "	1 " ninth "
21 " third "	5 " tenth "
12 " fourth "	1 " twelfth "
14 " fifth "	1 " thirteenth "
5 " sixth "	1 " fourteenth "
5 " seventh "	1 " fifteenth "

FINANCIAL STATEMENT FROM OCT. 1, 1903, TO OCT. 1, 1904.

Examinations.

Fees received for the year ending Sept. 30, 1904 : —

For examinations, 257 at \$3,	\$771 00
For examinations, 141 at \$5,	705 00
For duplicate certificates, 5 at \$1,	5 00
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	\$1,481 00
Paid State Treasurer,	\$1,481 00

Certificates of Fitness.

Amount received from Oct. 1, 1903, to March 1, 1904, for certificates of fitness to expire April 30, 1904 (\$1 each), . . .	\$62 00
Cash paid State Treasurer, certificates having been granted,	\$47 00
Fees returned, applications having been rejected or withdrawn,	13 00
Amount transferred to new account, applications continued for action by the Board,	2 00
Amount received from March 1, 1904, to Oct. 1, 1904, for certificates of fitness to expire April 30, 1905 (\$1 each), . . .	\$1,278 00
Cash paid to State Treasurer, certificates having been granted,	\$1,161 00
Fees returned, applications having been rejected or withdrawn,	115 00
Amount transferred to new account, applications continued for action by the Board,	2 00

Annual Appropriation for the Board for Year ending Dec. 31, 1904.

Salaries of members,	\$2,400 00
Expenses of members,	1,475 00
Agent, salary and expenses,	2,400 00
Stenographer, witness fees, incidental and contingent expenses, including printing of annual report,	1,500 00
	<hr/>
	\$7,775 00

NOTE.—The financial year of the State ends December 31, while the financial year of the Board ends September 30.

Expenditures of the Board for Year ending Sept. 30, 1904.

	Salary.	Expense.	Total.
George M. Hoyt,	\$500 00	\$307 80	\$807 80*
Charles F. Nixon,	1,000 00	485 52	1,485 52
Henry Adams,	300 00	462 34	762 34
William F. Sawyer,	300 00	51 85	351 85
Fred A. Hubbard,	300 00	80 57	380 57
Simon B. Harris, agent,	1,500 00	693 21	2,193 21
Bessie B. Burroughs, stenographer,	720 00	—	720 00

\$4,620 00	\$2,081 29	\$6,701 29
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Wright & Potter Printing Company,	\$272 65
The Bradstreet Company,	50 00
Gilman Brothers,	55 61
Press Clipping Bureau,	25 60
The E. L. Patch Company,	24 79
Samuel Ward Company,	20 76
Henry W. Stone,	20 70
Bertha Conley,	18 34
Whitall Tatum Company,	15 25
New England Telephone and Telegraph Company,	14 55
J. L. Hammett Company,	10 00
Remington Typewriter Company,	9 80
Neostyle Company,	7 20
William H. Bradford,	7 20
Sampson Murdock & Company,	6 50
Pocket Manual Company,	1 00
J. L. Morse,	1 95
Belknap & Co.,	1 75
Dennison Manufacturing Company,	1 60
Paid for witness fees,	69 75
Paid for laundry for examination department,	7 38
Paid for postal supplies,	4 32

646 70

\$7,347 99

* Expenses, \$102.10, as delegate to the Conference of American Boards of Pharmacy at Kansas City, Mo.

The following registered pharmacists have died during the past year : —

Ames, John N.,	Chelsea.	Marston, Arthur,	Woburn.
Brackett, Charles L.,	Boston.	Martel, Philius J.,	Fall River.
Bugby, J. L.,	Springfield.	Morgan, Richard E.,	Boston.
Carter, Miles O.,	Lowell.	Nowell, William F.,	Boston.
Emery, Joseph H.,	Lynn.	Saunders, Daniel D.,	Gloucester.
Fisk, Stephen B.,	Upton.	Smith, Warren,	Chicopee.
Garcelon, Harvey S.,	Somerville.	Smith, Frank,	East Bridgewater.
Gates, Edward O.,	Springfield.	Sproat, Clinton,	Taunton.
Goodnow, Elbridge G.,	Stoneham.	Stover, Joseph W.,	Winthrop.
Hollister, William T.,	Westfield.	Vaillancourt, A. F.,	Canada.
Hull, Frederick A.,	Pittsfield.	Whitney, Henry M.,	North Andover.
Hyland, James F.,	Fall River.	Willard, William H.,	Worcester.
Lewis, Edgar,	Boston.	Wood, Everett E.,	Millbury.

SUMMARY FOR THE YEAR ENDING SEPT. 30, 1904.

Number of meetings held for hearings and miscellaneous business,	22
Number of hearings on applications for certificates of fitness,	149
Number of hearings on violations of the pharmacy law,	18
Number of hearings on applications for reinstatement,	6
Number of hearings on applications for duplicate certificates,	1
Number of certificates suspended for four years,	1
Number of certificates suspended for three years,	2
Number of certificates suspended for two years,	6
Number of certificates suspended for one year,	1
Number of certificates suspended for six months,	2
Number of certificates suspended for three months,	1
Number of certificates suspended for two months,	1
Number of cases continued for sentence,	2
Number of pharmacists reinstated,	3
Number of drug stores doing business in the State,	1,522
Number of drug stores closed during the year,	20
Number of new stores opened during the year,	12
Number of stores found owned by unregistered proprietors,	15
Number of complaints made to the Board investigated,	130
Number of complaints reported for prosecution,	50
Number convicted,	40
Number of cases continued for trial,	8
Number found not guilty,	2
Number imprisoned,	1
Amount of fines imposed,	\$2,600
Number of formal complaints made to the Board,	26

C. F. NIXON,

Secretary.

L A W S

RELATING TO

T H E P R A C T I C E O F P H A R M A C Y

I N

M A S S A C H U S E T T S .

1904.

LAWS RELATING TO PHARMACY.

[CHAPTER 76, REVISED LAWS.]

REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver-general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12.* Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and

* See act to establish salaries of members, on page 28.

travelling expenses shall be approved by the board and paid by the commonwealth. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board

shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17. If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture

or sale of patent and proprietary medicines ; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others ; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

[CHAPTER 100, REVISED LAWS.]

LAWS AND CONDITIONS RELATIVE TO DRUGGISTS' LIQUOR LICENSE.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same ; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

SECTION 17. Each license shall be expressed, to be subject to the following conditions : —

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Second,* That spirituous or intoxicating liquors shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day ; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food or lodging.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopoeia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

* See section 25.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

Fifth, That there shall be no disorder, indecency, prostitution, lewdness or illegal gaming on the licensed premises or on any premises connected therewith by an interior communication.

Sixth, That the license, or a copy thereof certified by the recording officer of the licensing board or by the clerk of the city or town by which it is issued, shall be displayed on the premises, in a conspicuous position, where it can easily be read.

Seventh, That the license shall be subject to forfeiture, as herein provided, for breach of any of its conditions; and that, if the licensee is convicted of a violation of any of such conditions, his license shall thereupon become void.

Each license of the first five classes shall be subject to the further condition that the licensee shall not sell, give away or deliver on the licensed premises any intoxicating liquors on a legal holiday as defined in section five of chapter eight or on any day on which a national, state, city or annual town election is held in the city or town in which the licensed premises are situated, except the day of an election in a city if such election is not required to be held in the ward in which the licensed premises are situated; but this condition shall not apply to a wholesale druggist who, on the day of an election as aforesaid, sells, gives away or delivers intoxicating liquors on the licensed premises, nor to an innkeeper who sells, gives away or delivers in his inn any intoxicating liquor to a guest who has resorted to his inn for food or lodging; but an innkeeper shall not upon such holiday sell, give away or deliver intoxicating liquor in his inn under a fourth or fifth class license.

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SECTION 21. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor

and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by

street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows: —

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book and shall not be detached therefrom, and shall be in form substantially as follows: —

Certificate.

I wish to purchase_____and I certify that I am not a minor and that the same is to be used for
* Mechanical * Chemical * Medicinal purposes. [* Draw a line through
the words which do not indicate the purpose of the purchase.]

Signature_____

Cancelled_____

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

[CHAPTER 213, REVISED LAWS.]

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats," strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines

or trees, except that he shall record each sale and label each package sold, as above provided.

SECTION 3. Whoever sells a cigarette to a person under eighteen years of age, or whoever sells snuff or tobacco in any of its forms to a person under sixteen years of age, or, not being his parent or guardian, gives a cigarette to a person under eighteen years of age, or gives snuff or tobacco in any of its forms to a person under sixteen years of age, shall be punished by a fine of not more than fifty dollars.

SECTION 4. Whoever sells to a person under sixteen years of age any candy or other article enclosing liquid or syrup containing more than one per cent of alcohol shall be punished by a fine of not less than fifty nor more than one hundred dollars.

[CHAPTER 321, ACTS OF 1902.]

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended," in the fifth line, the words: — or revoked, — and by adding at the end thereof the words: — The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require, — so as to read as follows: — *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage. [*Approved April 18, 1902.*]

[CHAPTER 505, ACTS OF 1902.]

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

Be it enacted, etc., as follows:

SECTION 1. The secretary of the board of registration in medicine shall receive a salary of twenty-five hundred dollars a year, and the other members of the said board shall each receive a salary of three hundred dollars a year.

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 3. The chairman and secretary of the board of registration in dentistry shall each receive a salary of four hundred dollars a year, and the other members of said board shall each receive a salary of two hundred dollars a year.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the Commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine, before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two. [*Approved June 23, 1902.*]

[CHAPTER 49, ACTS OF 1904.]

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION
IN PHARMACY.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in pharmacy, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For the salaries of the members of the board, twenty-four hundred dollars.

For travelling and other expenses of the members of the board, a sum not exceeding fourteen hundred and seventy-five dollars.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-four hundred dollars.

For a stenographer, witness fees, and for incidental and contingent expenses of the board, including the printing of the annual report, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage. [*Approved February 6, 1904.*]

